



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RCH/SK/EMR/PP/MED
F. #2019R00927

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 25, 2022

By ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Genaro Garcia Luna, et al.
Criminal Docket No. 19-576 (S-1) (BMC)

Dear Judge Cogan:

The government respectfully writes to request a two-and-a-half week adjournment of its deadline to file its in camera, ex parte submission pursuant to Section 4 of the Classified Information Procedures Act ("CIPA"), 18 U.S.C. § App. 3. The government's submission is currently due on May 3, 2022, and the requested extension would reset that deadline to May 20, 2022.

As the government previously advised the Court, the above-referenced case implicates classified information. See Motion dated Oct. 19, 2021, Dkt. No. 74. The Court subsequently granted the government's request to file any CIPA Section 4 motion by May 3, 2022. See Minute Entry dated Dec. 15, 2021. Since that time, the government has completed its review of potentially discoverable classified information and has prepared a draft of its CIPA Section 4 memorandum for the Court's consideration. However, the government's submission must include not only the government's memorandum but also supporting declarations from senior government officials. As the Court is aware, under Second Circuit law, the government's filing must be supported by a declaration of the "head of the department which has control over the matter, after actual personal consideration by that officer." See United States v. Abu-Jihad, 630 F.3d 102, 129 (2d Cir. 2010). The government has been advised by officials within the Department of Justice that they will need an additional two-and-a-half weeks beyond the current deadline to provide the necessary approvals and declarations.

The government has proceeded, and will continue to proceed, with other pre-trial matters in this case without delay, including continuing to review and produce

unclassified discovery to the defendant. The government also is still prepared to appear for the next status conference, which is currently scheduled for May 25, 2022.

For all of these reasons, the government respectfully requests that the Court adjourn the deadline for the government to file its submission pursuant to CIPA Section 4 from May 3, 2022, to May 20, 2022.

Respectfully submitted,

BREON PEACE
United States Attorney

By: /s/
Ryan C. Harris
Saritha Komatireddy
Erin M. Reid
Philip Pilmar
Marietou E. Diouf
Assistant U.S. Attorneys
(718) 254-7000